

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MORGAN STANLEY MORTGAGE  
CAPITAL HOLDINGS LLC, AS  
SUCCESSOR-IN-INTEREST TO MORGAN  
STANLEY MORTGAGE CAPITAL INC.,

Plaintiff,

v.

FREMONT INVESTMENT & LOAN,

Defendant.

Index No.: 07 CIV 9457 (RJH)(AJP)

AFFIDAVIT OF  
PERSONAL SERVICE

STATE OF NEW YORK       )  
                                          ) ss.:  
COUNTY OF NEW YORK )

TONY PINEIRO , being duly sworn, deposes and says:

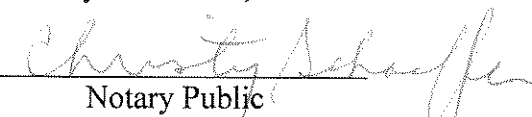
I am not a party to this action, am over 18 years of age and reside in  
Brooklyn, New York.

On October 24, 2007, at approximately 4 p.m., I personally served the within  
SUMMONS AND COMPLAINT upon defendant by personally delivering a true and correct  
copy thereof at the address set forth below to a person authorized by law to accept service on  
behalf of defendant Fremont Investment & Loan by leaving with CT Corporation System, its  
registered agent for service.

FREMONT INVESTMENT & LOAN  
c/o CT Corporation System  
111 Eighth Avenue, 13th Floor  
New York, NY 10011

  
\_\_\_\_\_  
TONY PINEIRO

Sworn to before me this  
25<sup>th</sup> day of October, 2007

  
\_\_\_\_\_  
Notary Public  
NY 238570038v1 10/25/2007

CHRISTY SCHAEFFER  
Notary Public, State of New York  
No. 31-4769958  
Qualified in New York County  
Commission Expires August 31, 2010